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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,333	12/14/2001	Steven L. Trulaske SR.	TRUE 8146US	8110

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EXAMINER
FORD, JOHN K

ART UNIT	PAPER NUMBER
3743	

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/017,333	Applicant(s) MT Trulaske, Sr.
	Examiner FORD	Art Unit 3743

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☑ Responsive to communication(s) filed on 9-13-02

2a)☐ This action is **FINAL**. 2b)☑ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☑ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) 13-15 and 18,19 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☑ Claim(s) 1-12, 16 and 17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☑ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☑ Notice of References Cited (PTO-892)

16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17)☑ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

18)☐ Interview Summary (PTO-413) Paper No(s). _____ .

19)☐ Notice of Informal Patent Application (PTO-152)

20)☐ Other:

Applicant's election of group I, claims 1-18, without traverse, is acknowledged. Applicant has also elected, without traverse, the SSC motor species cliams1-12, 16 and 17. Accordingly claims 13-15 and 18 and 19 are withdrawn from consideration.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8, and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Van Gils (4,522,036).

In Van Gils the forward run time is, by example, 6 hours and the reverse run time is 15 minutes (see col. 2, lines 39-45).

In col. 1, lines 58-61, Van Gils discloses a higher rotor speed in reverse (cleaning) mode operation than in forward (non-cleaning) mode.

Regarding claim 6, the Van Gils system has the compressor and fan reversing circuit connected in parallel off the AC mains (as shown by applicant).

The values given in claim 8 are so close to those disclosed by Van Gils that it can be fairly said to teach them. See Titanium Metals v. Banner, 227 USPQ 773, 779 (Fed. Cir. 1985).

Regarding the actual RPM in claim 5, the selection of a particular RPM would depend on a host of factors not being claimed such as the following variables: pitch of the fan blades, the distance from the fan to the heat exchanger, the fin density of the heat exchanger etc. A particular value of RPM to a attain maximum performance is clearly a matter of engineering measurement and skill and no patentable significance can be attached to particular values selected by applicant for particular variables (not being claimed) in his device.

Absent any showing of criticality values of 1500 RPM and 2000 RPM are considered design variables, to be selected for any system, at will, depending on other variables such as those enumerated above.

Regarding claim 16, the Examiner maintains, having been taught the essential nature of the invention by Van Gils, and other prior art, that it would not have been inventive to have offered a kit of parts used to retrofit an existing refrigeration system made by True Manufacturing with a well known type of condenser cleaner. In this regard the Examiner's takes official notice of many retrofits available to modify existing refrigeration equipment with new features. For example, many kits exist to modify existing R-12 refrigeration systems to accept the new refrigerate R-134A. These kits include new seals, fittings etc. to make the conversion, which the Examiner can attest to personal knowledge of.

Here, the examiner maintains it would have been obvious to have offered a bag parts necessary to effect conversion of the prior art True refrigerator to have a reverse air condenser cleaning system as taught by Van Gils.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim1 above, and further in view of JP'366 or JP '238 or JP '768 or Buchanan or Shell.

JP '366 teaches running the fan in reverse for cleaning purposes for a given time (specified by timer G) whenever "specified operation accumulation time" has been ~~readied~~ reached.

JP '238, in paragraphs [0002]-[0003], the JP '366 patent is described somewhat differently and perhaps a little more clearly.

JP '768, for which the Examiner does not ~~heave~~ have ready access to a full translation, appears to teach the same thing in the Abstract.

Buchanan or Shell each, separately, teach connecting the reversing portion of the circuit across the compressor contacts so that the timing portion of their respective ~~disclosers~~ disclosures only operates when the compressor is running.

In view of any of the above teachings, it would have been obvious to have modified Van Gills, if it doesn't already possess this feature inherently, with a timer that was actuated to measure compressor run time, by connecting it across the compressor contactors, for the purpose of reducing the number of superfluous reversals if the timer was simply run at all times.

Claims 9-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art as applied to claims 1, 7 or 16 (as applicable) above, and further in view of Uemura or Brallsford.

Both Uemura and Brallsford teach SSC motors which would have been obvious to have used in the prior art to avoid having to replace brushes in a commutated type motor.

Many of the claims here are similar to claims already rejected above, and those explanation, as to these claims, are incorporated by reference here.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.

John Ford
Primary Examiner
Art Unit 3743

John K. Ford
Primary Examiner